

2007-05-29 4:29

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Michael C. Centers Attorney Docket No.: TITUS-P001
Serial No.: 10/671,027 Group Art Unit: 3653
Filed: 09/24/2003 Examiner: Hageman, Mark
Title: SEPARATION SYSTEM FOR SINGLE STREAM COMPRESSED RECYCLABLES

REFUND REQUEST

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

To Whom It May Concern:

In regards to the above referenced patent application, originally, the applicant was charged two months of extension of time fees for responding on 12/4/2006 to an office action mailed 8/15/2006 paid. The applicant was charged large entity fees of \$450. However, the response was filed within the one-month extension of time and the company to which the invention is assigned claims small entity status. Therefore, the fees charged should have been \$60.00.

The applicant respectfully requests that a refund for the amount of \$390.00 is credited to our Deposit account 500482.

Enclosed, please find the following documents submitted in support of this refund request:

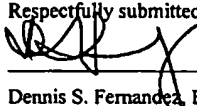
1. Copy of Monthly Statement of Deposit Account
2. Copy of Cover page and Summary page of final Office action mailed 8/15/2006
3. Copy of Advisory Action and Non-compliant amendment mailed 11/20/2006
4. Transmittal Letter of Amendment/Response mailed 12/4/2006 (incl. Certificate of Transmission)
5. U.S. Postal Service Certified Mail Receipt postmarked 12/4/2006
6. Return Receipt postmarked by USPTO MAIL CENTER 12/8/2006.
7. A return postcard.

Please direct all correspondence concerning this request to the address corresponding to Customer Number 22877

FERNANDEZ & ASSOCIATES, LLP
Patent Attorneys
Customer No: 22877
Phone: (650) 325-4999
Fax: (650) 325-1203
Email: iploft@iploft.com

Date: 1/31/07

Respectfully submitted,


Dennis S. Fernandez, ESQ.
Reg. No. 34,160



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,027	09/24/2003	Michael C. Centers	TITUS-P001	7847
7590 08/15/2006 Fernandez & Associates, LLP PO BOX D Menlo Park, CA 94026-6402			EXAMINER HAGEMAN, MARK	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED
DATE 8/22/06 AM

REC'D AUG 22 2006

Office Action Summary	Application No.	Applicant(s)	
	10/671,027	CENTERS ET AL.	
	Examiner	Art Unit	
	Jonathan R. Miller	3853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 5/2/06.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 11, 13, 14, 16, 17 and 19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 11, 13, 14, 16, 17 and 19 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,027	09/24/2003	Michael C. Centers	TITUS-P001	7847
7590 11/20/2006				
Fernandez & Associates, LLP		EXAMINER		
PO BOX D		HAGEMAN, MARK		
Menlo Park, CA 94026-6402		ART UNIT PAPER NUMBER		
		3653		

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

REC'D NOV 22 2006

DOCKETED
DATE 11/22/2006 PE

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/671,027	CENTERS ET AL.	
	Examiner	Art Unit	
	Mark Hageman	3653	

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 23 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).


10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.


PATRICK MACKEY
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3800

Continuation of 4(e) Other: Claims are inconsistent with the claims examined for the Final Rejection dated 8-15-2006.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/671,027

Examiner

Mark Hageman

Applicant(s)

CENTERS ET AL.

Art Unit

3653

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 23 October 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Section
U.S. Patent and Trademark Office

PATRICK MACKEY

Supervisory Patent Examiner
TECHNOLOGY CENTER 3600

Telephone No.

Part of Paper No. 20061115

Certificate of Mailing By "U.S. Certified Mail" Under 37 C.F.R. 1.8
 "CERTIFIED MAIL" Mailing Label Number: 7006 2150 0000 0447 4174 Date of Deposit: 12/14/2006
 I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "CERTIFIED MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.8 on the date indicated above and is addressed to the Commissioner For Patents, Alexandria, VA 22313-1450.

Name: Feng Elizondo 12/04/2006
 Signature Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Centers, et al.

Attorney Docket No. TITUS-P001

Serial No.: 10/671,027

Examiner: Mark Hageman

Filed: 09/24/2003

Art Unit: 3653

For: Separation System for Singe Stream Compressed Recyclables

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTN: Mail Stop Amendment

AMENDMENT TRANSMITTAL LETTER

Dear Sir:

1. **TRANSMITTED DOCUMENTS:** the following documents relating to the above-identified patent application are being transmitted herewith.

- ☒ a. An Amendment for this application: 6 pages.
- ☐ b. Substituted Drawings: sheets.
- ☐ c. A Petition For Extension of Time For Response under 37 CFR 1.136(a) incorporated herein.
- ☐ d. An Information Disclosure Statement under 37 CFR 1.97(b) ☒ 1.97(c)
- ☒ e. Copy of Advisory Action and Notice of Non-Compliant Amendment of November 20, 2006.
- ☒ f. A stamped, self-addressed, return postcard.
- ☐ g. A Check (#) for \$ to cover required fees of this correspondence.

2. **APPLICANT FILING STATUS:**

- ☐ a. Applicant is a Large Entity.
- ☒ b. Applicant is a Small Entity.

3. **EXTENSION OF TIME:**

- ☐ a. Applicant petitions for an extension of time under 37 C.F. R. 1.136 for the total number of months checked below (fees pursuant to 37 C.F.R. 1.17(a)-(d).

Extension of Time	Large Entity Fee	Small Entity Fee
i. One (1) month .	<u> </u> \$ 120.00	<u> </u> \$ 60.00
ii. Two (2) month .	<u> </u> \$ 450.00	<u> </u> \$ 225.00
iii. Three (3) month .	<u> </u> \$ 1,020.00	<u> </u> \$ 510.00

Extension Time Fee Total: \$

- ☒ b. Applicant believes that no extension of time is required. However, this conditional petition is being made in case Applicant has inadvertently overlooked the need for a petition for extension of time, the Commissioner is hereby authorized to charge any necessary amount associated with this communication or credit any overpayment to Deposit Account No: 500482.

DOCKETED
 DATE 12/04/2006 fz

4. FEE CALCULATION:

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid	Present Extra Claims	Fee Rate	Total
a. Total Claims	6	- 20 =	0	x \$ 50.00 Large Entity x \$ 25.00 Small Entity	\$0.00
b. Independent Claims	3	- 3 =	0	x \$200.00 Large Entity x \$100.00 Small Entity	\$0.00
c. Multiple Dependent Claims Added By This Amendment				x 360.00 Large Entity x 180.00 Small Entity	\$0.00
d. Extension of Time Fee Total, if any, from above EXTENSION OF TIME section 3a.					\$0.00
e. Additional Fees Required With This Correspondence					\$0.00
i) 1.17 (p) Fee for Information Disclosure under 1.97(c)					\$0.00
f. Total Fees					\$0.00

5. PAYMENT OF FEES

The full fee due in connection with this communication is provided as follows:

_____ The Commissioner is hereby authorized to charge the fees associated with this communication or credit any overpayment to Deposit Account No: 500482. A duplicate copy of this authorization is enclosed.

_____ A Check # _____ for \$ _____ for the above specified Total Fee is enclosed. However, should Applicant inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to Deposit Account No: 500482.

X Applicant does not believe that any payment of fee is needed in association with this communication. However, should Applicant inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge any necessary amount associated with this communication or credit any overpayment to Deposit Account No: 500482.

Please direct all correspondence concerning the above-identified application to the following address:

CUSTOMER NO: 22877

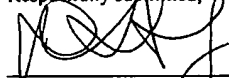
FERNANDEZ & ASSOCIATES, LLP

Patent Attorneys

Phone: (650) 325-4999

Fax: (650) 325-1203

Respectfully submitted,



Dennis S. Fernandez, ESQ
Registration No. 34,160

12/04/2006

Date

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Sent To: Commissioner for Patents
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 City, State, ZIP+4 Alexandria, VA 22313

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

Mail Stop Amendment
 Commissioner for Patents
 P.O. BOX 1450
 Alexandria, VA 22313-1450

TITUS - P001

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Receipt

RECEIVED

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D. Is delivery address different from item 1?
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4. Restricted Delivery? (Extra Fee)

☐ Yes

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102585-02-M-1540

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DOCKETED
 DATE *12/11/2006 fca*

**UNITED STATES PATENT AND TRADEMARK OFFICE**

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion
with your check. Make checks payable to "Director of the USPTO."

DENNIS F FERNANDEZ
P O BOX D
MENLO PARK CA 94026-6204

FINA

Account No.	500482
Date	12-29-06
Page	1

PLEASE SEND REMITTANCES TO:
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